

CHAPTER 6
TRIAL COURTS
ARTICLE 15

UNIFORM DISTRICT COURT RULES OF PRACTICE AND PROCEDURE

Section.

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Scope and effective date.

These rules become effective September 1, 1995, supersede all existing local rules of practice, and shall govern the procedures in the district courts of the State of Nebraska.

§ 6-1501. Local rules.

Each district court by action of a majority of its judges may from time to time recommend local rules concerning matters not covered by these rules and which are not inconsistent with any directive of the Nebraska Supreme Court or statutes of the State of Nebraska. Such recommended rules shall be submitted in writing and on a disk in a Microsoft Word compatible format. Any language that creates a rule or is to be added to a rule shall be underscored, and any language to be deleted from a rule shall be overstruck. Such recommended rules shall become effective upon the approval of the Supreme Court, at which time they shall be filed with the Clerk of the Supreme Court and Court of Appeals and be published in the Nebraska Advance Sheets. Once approved and published, copies thereof shall be made available to the bar and public through the office of the Clerk of the District Court recommending the rules.

Rule 1 amended October 14, 1999; amended June 5, 2002. Renumbered and codified as § 6-1501, effective July 18, 2008.

§ 6-1502. Organization of the court.

The court may divide itself into such divisions in each district as it deems necessary for the effective administration of justice and may elect a presiding judge if necessary from among its number.

§ 6-1503. Pleadings.

(A) Form: All pleadings shall be on 8½ x 11-inch paper; type shall be 12 point (10 pitch pica) and black in color. Exhibits attached to pleadings shall be similarly prepared in permanent form, shall be readable, and shall not be subject to unusual fading or deterioration.

(B) Identification of Pleadings: All petitions offered for filing shall plainly show the caption of the case, a description or designation of the contents, and on whose behalf they are filed. All further pleadings shall show the number of the case and the docket and page numbers, and a proof of service shall be endorsed upon the original copy.

(C) Orders: All proposed orders shall be by separate document and not a part of any other pleadings.

(D) Copies: Upon request, parties shall immediately furnish to the clerk clear and legible copies of any pleading, order, judgment, exhibit, or any other matter of record, in such numbers as necessary to enable the clerk to comply with the provisions of any statute or rule. This direction includes, but is not limited to, requirements or service of process and preparation of records on appeal.

(E) Identification of Attorney: All pleadings shall be signed by an individual attorney, whether for himself or herself or on behalf of a firm; the name, address, telephone number, and bar identification number shall be typed under all signatures of attorneys appearing on each pleading.

(F) Criminal Case Informations: Informations in criminal cases shall cite the statute under which each count of the information is brought and shall cite the class of offense and statute prescribing the penalty.

(G) Improperly Filed Pleadings: Any pleading which does not conform to these rules will be subject to a motion to strike from the file or such other action as the court deems proper.

§ 6-1504. Domestic relations cases.

(A) All applications for temporary custody, support, and maintenance shall comply with Nebraska statutes.

(B) All applications for temporary support and allowances shall be determined without testimony upon argument and affidavits setting forth information required by Nebraska Child Support Guidelines and Nebraska statutes.

(C) A properly completed Department of Health Bureau of Vital Statistics form shall be filed with each petition for dissolution of marriage, and no decree will be entered unless each form is completed in full.

(D) If any case contains an order or judgment for child or spousal support, or for the payment of medical expenses, the order shall include the following statements:

(1) Delinquent child or spousal support shall accrue interest at the following rate: (insert the rate in effect on judgments as published in the applicable issue of the Nebraska Advance Sheets).

(2) If immediate income withholding is not required by law to be ordered in a case and is not so ordered, the following statement shall be included:

In the event the obligor fails to pay any child support, spousal support, or other payment ordered to be made through the clerk of the district court, as such failure is certified each month by said clerk in cases in which court-ordered support is delinquent in an amount equal to the support due and payable for a one-month period of time, the obligor shall be subject to income withholding and may be required to appear in court and show cause why such payment was not made. In the event the obligor fails to pay and appear as ordered, a warrant shall be issued for his or her arrest.

(3) If, regardless of whether payments are in arrears, the court orders income withholding pursuant to Neb. Rev. Stat. § 43-1718.01 or § 43-1718.02, the statement specified in § 6-1504(D)(2) shall be altered to read as follows:

In the event the obligor fails to pay any child, spousal support, or medical payment, as such failure is certified each month by the district court clerk in cases in which court-ordered support is delinquent in an amount equal to the support due and payable for a one-month period of time, the obligor may be required to appear in court and show cause why such payment was not made. In the event the obligor (respondent or petitioner) fails to pay and appear as ordered, a warrant shall be issued for his or her arrest.

(E) Any order for support presented to the court shall require the obligor to furnish to the clerk of the court his or her address, telephone number, social security number, the name of his or her employer, and the name of his or her health insurance carrier, if any, together with the number of the policy and the address at which claims are to be submitted. The order shall further require the obligor to advise the clerk of any changes in such information until the judgment has been fully paid. If both parents are parties to the action, such order shall provide that each be required to furnish to the clerk of the court whether he or she has access to employer-related health insurance coverage and, if so, the health insurance policy information.

(F) A worksheet showing calculations under the Nebraska Child Support Guidelines shall be attached to every child support application, order, or decree and shall be prepared by the party requesting child support, except that in a contested matter the worksheet shall be prepared by the court and attached to the order or decree.

Rule 4(D)(2) and (3) amended April 17, 1996; Rule 4(F) amended January 3, 1997; Rule 4 amended May 19, 2004; Rule 4(D) deleted and (4)(E)-(G) renumbered to (4)(D)-(F)). Renumbered and codified as § 6-1504, effective July 18, 2008.

§ 6-1505. Briefs.

(A) Paper: Briefs shall be typed on 8½ x 11-inch paper; type shall be 12 point (10 point pica) and black in color.

(B) Distribution: The original brief shall be presented to the judge and not filed with the clerk, with a copy served upon opposing counsel; proof of such service shall be endorsed on the original brief.

(C) Citations: Citation to authorities shall conform to generally accepted uniform standards of citation; citation of Nebraska cases shall include the Nebraska Reports or the Nebraska Appellate Reports and North Western Reporter citation.

§ 6-1506. Bankruptcy.

(A) Civil cases in which a party has been named as a debtor in a voluntary or involuntary bankruptcy petition. In any civil case pending before this court in which a party has been named as a debtor in a voluntary or involuntary bankruptcy petition, a Suggestion of Bankruptcy and either (1) a certified copy of the bankruptcy petition, (2) a copy of the bankruptcy petition bearing the filing stamp of the clerk of the bankruptcy court, or (3) a copy of a "Notice of Bankruptcy Case Filing" generated by the Bankruptcy Court's electronic filing system shall be filed by the party named as a debtor or by any other party with knowledge of the bankruptcy petition. Upon the filing of the Suggestion of Bankruptcy and one of the three bankruptcy documents noted immediately above, no further action will be taken in the case by the court or by the parties until it can be shown to the satisfaction of the court that the automatic stay imposed by 11 U.S.C. § 362 does not apply or that the automatic stay has been terminated, annulled, modified, or conditioned so as to allow the case to proceed. Such a showing shall be made by motion.

(B) Requests for disbursement of funds or distribution of property of or to a party named as a debtor in a bankruptcy proceeding. In any civil case in which a Suggestion of Bankruptcy and one of the three bankruptcy documents noted in § 6-1506(A) have been filed, no request for a disbursement of funds or distribution of property of or to a party named as a debtor shall be made, and no order disbursing funds or distributing property of or to a party named as debtor will be entered. A request for disbursement of funds or distribution of property may be made after a showing, satisfactory to the court, that such funds or property has been abandoned by the trustee in bankruptcy or that the funds or property has been exempted by the debtor in the bankruptcy proceedings or that the party named as debtor in the bankruptcy petition, rather than the trustee in bankruptcy, is otherwise entitled to disbursement of such funds or distribution of such property. Such a showing shall be made by affidavit.

Rule 6(A) and (B) amended October 23, 2002. Renumbered and codified as § 6-1506, effective July 18, 2008.

§ 6-1507. Registration of foreign judgments.

Upon the filing of a foreign judgment and affidavit as required by statute, the clerk of the district court shall, within 10 days of such filing, mail notice of the filing of the foreign judgment to the judgment debtor at the address provided within the affidavit.

Rule 7 amended June 28, 1995. Renumbered and codified as § 6-1507, effective July 18, 2008.

§ 6-1508. Default judgments.

When a party is entitled to have a monetary judgment or an amount determined to be due by default based upon a contract action, such party shall submit, with the order entering judgment, a statement of the principal amount due, which shall not exceed the amount sued for, showing credit for any payments and the amounts and dates thereof, and a separate computation of interest, if prayed for, to date of judgment. To such statement shall be appended an affidavit of the party or his or her attorney showing that the party against whom judgment is sought is not a minor or incompetent person or in the military service, that such amount shown by the statement is justly due and owing, and that no part thereof has been paid except as set forth in the statement.

When a party is entitled to a monetary judgment on all other actions, such party shall adduce evidence in proof of damages. Such evidence shall be under oath unless waived by the court. Such party, in addition, shall submit an affidavit of the party or the party's attorney that the party against whom the judgment is sought is not a minor or incompetent person or in the military service.

If further documentation, proof, or hearing is required, the court shall so notify the moving party.

§ 6-1509. Dismissals and settlements.

It shall be the duty of attorneys to immediately notify the court of the dismissal, settlement, or other final disposition of any case. Upon notice to the court or to the clerk that an action has been settled, counsel shall file, within 30 days thereafter, unless otherwise directed by written order, such pleadings as are necessary to terminate the action; upon failure to do so, the court may order dismissal of the action without further notice and without prejudice to the right to secure reinstatement of the case within 60 days after the date of said order by making a showing of good cause as to why settlement was not in fact consummated.

§ 6-1510. Withdrawal of counsel.

Upon motion for withdrawal and notice to all counsel and the client involved, an attorney who has appeared of record in a case may be given leave to withdraw for good cause shown after filing with the clerk the motion, notice of hearing, and proof of service upon counsel and the client involved.

Upon entry of any final order in any case, and after the time for appeal has expired, the attorney of record shall no longer be deemed to continue as the attorney of record unless he or she shall have entered a new appearance in the case.

When an attorney is discharged by his or her client, the attorney shall forthwith file notice thereof in the case and serve opposing counsel therewith.

§ 6-1511. Courtroom decorum.

(A) Attendance: All parties and their attorneys shall be present in the courtroom and prepared to proceed at the hour set for hearing by the court. Unjustified failure to appear shall subject the case to dismissal or disciplinary action to the attorneys concerned.

(B) Attire: Attorneys shall be attired in ordinary business wear.

(C) Conduct in Courtroom: When the judge enters the courtroom, those present shall rise and remain standing until the judge is seated. When sessions of court are recessed or concluded, those present shall remain in their seats until the judge or jury has left the courtroom.

Except when it is necessary for counsel to approach a witness or exhibit, the examination of witnesses shall be conducted while seated at the counsel table or, if the courtroom is equipped with an attorney's lectern, from the lectern.

Except upon express permission of the judge, all communications to the court shall be made from the counsel table or lectern.

Counsel shall not approach opposing counsel, the bench, the witness, the court reporter's desk, the clerk's desk, or otherwise move from the counsel table or lectern without the permission of the court, except to make a voir dire examination, opening statement, or closing argument, or to present an exhibit for identification.

Counsel shall not participate in colloquy with opposing counsel, whether audible or inaudible, without the permission of the court.

If any counsel, including co-counsel, wishes to leave the courtroom, permission of the court shall be obtained. No counsel shall leave during the testimony of any witness he or she is examining, or has examined, without the permission of the court.

Witnesses and parties shall be referred to and addressed by their surnames. Only one counsel for each party shall examine a witness or make objections during the testimony of such witness. Counsel shall not approach a witness without permission of the court.

All persons entering the courtroom while court is in session shall be seated immediately and shall conduct themselves in a quiet and orderly manner. No person shall smoke, eat, drink beverages, or engage in other distracting conduct in the courtroom while court is in session.

No person shall possess any firearm or other dangerous weapon in the courtroom or in any public area adjacent to it without the permission of the court.

Upon order of the court, any person may be subjected to a search of his or her person and possessions for any weapons, destructive device, or components thereof.

Jurors, either prospective or selected, shall not mingle or converse with counsel, litigants, witnesses, or spectators during the trial of a case.

§ 6-1512. Duties of court personnel.

(A) Sheriff's Duties: The sheriff or designated deputy shall be in attendance at all times when the court is in session, unless excused by the court.

The sheriff shall maintain order in the courtroom and shall correct or repress all improper deportment so as not to interrupt the orderly process of the court, without any express order from the court.

(B) Bailiff's Duties: The bailiff shall have and carry out such duties as may be assigned to the bailiff by the court, including, but not limited to, the following:

Before beginning each session of court, the bailiff shall see that the jury and all required court personnel are in their proper places, and the bailiff shall notify the court. The bailiff shall be responsible for the comfort and welfare of any juror under the bailiff's charge and for compliance with the rules attendant on jurors. The bailiff shall immediately notify the court of all communications from the jurors to the bailiff, and the bailiff shall not respond to any such communication without the direction of the court.

(C) Duties of the Clerk of the Court:

(1) The clerk of the district court shall be present at all times during the sessions of the court, either in person or by deputy, unless excused by the court.

(2) The clerk shall prepare and maintain such dockets and records as may be required by the court, Supreme Court rule, or the statutes of Nebraska.

(3) The clerk shall have the following duties in addition to all statutory duties, if so directed by the court:

(a) The clerk shall immediately, upon receipt, notify the court and sheriff of the return of any mandate from the Nebraska Supreme Court in every criminal case, and notify the court in every civil case.

(b) The clerk shall have such other and additional duties, not inconsistent with the responsibilities of the office, as may be directed by the court.

§ 6-1513. Release of information by court personnel.

All court personnel, including, but not limited to, sheriffs, deputy sheriffs, court clerks, bailiffs, court reporters, law clerks, secretaries, or other employees of the court shall not disclose, without authorization by the court, to any person any information relating to a pending case that is not part of the public records of the court.

Court personnel shall not communicate in any form or manner, directly or indirectly, with any member of a jury panel, any venireperson, or any juror any facts, opinions, or information of any nature directly or indirectly related to any cause pending before the court to which personnel are assigned.

§ 6-1514. Release of information by attorneys.

(A) Statements Not to be Made: A lawyer shall not make an extrajudicial statement that the lawyer knows or reasonably should know will have a substantial likelihood of materially prejudicing an adjudicative proceeding. An extrajudicial statement ordinarily is likely to have such an effect when it refers to a civil matter triable to a jury, or a criminal matter or proceeding that could result in incarceration, and the statement relates to:

(1) The character, credibility, reputation, or criminal record of a party, suspect in a criminal investigation, or witness, or the identity of a witness, or the expected testimony of a party or witness;

(2) The performance or results of any examination or test or the refusal or failure of a person to submit to an examination or test, or the identity or nature of physical evidence expected to be presented;

(3) Any opinion as to the guilt or innocence of a defendant or suspect in a criminal case or proceeding that could result in incarceration; or

(4) Information the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and would, if disclosed, create a substantial risk of prejudicing an impartial trial.

(B) Statements Which May be Made: A lawyer involved in the investigation or litigation of a matter may state without elaboration:

(1) The general nature of the claim or defense;

(2) Information contained in a public record;

(3) That investigation of the matter is in progress, including the general scope of the investigation, the offense, claim, or defense involved, and, except when prohibited by law, the identity of the person involved;

(4) The scheduling or result of any step in litigation;

(5) A request for assistance in obtaining evidence and information necessary thereto;

(6) A warning of danger concerning the behavior of a person involved, when there is reason to believe that such danger exists; and

(7) In a criminal case, a lawyer may disclose:

(a) The identity, residence, occupation, and family status of the defendant or suspect;

(b) If the defendant or suspect has not been apprehended, information necessary to aid in apprehension of that person;

(c) The fact, time, and place of arrest, and resistance, pursuit, and use of weapons; and

(d) The identity of investigating and arresting officers or agencies and the length of that investigation.

§ 6-1515. Judicial sales.

Every purchaser at a judicial sale held by a sheriff, receiver, referee, or master commissioner, except a lienholder to the extent that he or she uses his or her lien as his or her bid, shall, at the time of acceptance of the bid, deposit with the sheriff, receiver, referee, or master commissioner, a sum equal to 15 percent of the bid to be held for disposition on the further order of the court.

§ 6-1516. Jury trials.

(A) Voir Dire Examination of Prospective Jurors:

(1) Questions are to be asked collectively of the entire panel whenever possible.

(2) The case may not be argued in any way while questioning the jurors.

(3) Prospective jurors may not be questioned concerning anticipated instructions or theories of law and may not be asked for promises or commitments as to the kind of verdict they would return under any given circumstance.

(B) Objections and Motions: Objections and motions during trial, and the grounds therefor, shall be briefly and succinctly stated to the trial judge. If either counsel desires to be heard further, a request may be made to the trial judge, but arguments on such matters shall not be made without permission of the court.

(C) Argument to Jury: The length of time allotted to each side for the final argument shall be determined by the court, after giving due consideration to the nature and duration of the trial and the amount of time requested by each side.

§ 6-1517. Procedure for filing of criminal homicide reports.

In order to fulfill the purpose of Neb. Rev. Stat. § 29-2524.01, the following procedure is established: (1) The county attorney shall complete the reporting form (Appendix 1), (2) the sentencing judge shall sign the form on line 10, and (3) the defense counsel (if any) shall sign the form on line 11. The county attorney shall then forward the form to the State Court Administrator within 30 days of the disposition of the case.

Rule 17 adopted November 18, 1998. Renumbered and codified as § 6-1517, effective July 18, 2008.

§ 6-1518. Statement of errors.

Within 10 days of filing the bill of exceptions in an appeal to the district court, the appellant shall file with the district court a statement of errors which shall consist of a separate, concise statement of each error a party contends was made by the trial court. Each assignment of error shall be separately numbered and paragraphed. Consideration of the cause will be limited to errors assigned and discussed, provided that the district court may, at its option, notice plain error not assigned. This rule shall not apply to small claims appeals.

Rule 18 amended November 18, 1998. Renumbered and codified as § 6-1518, effective July 18, 2008.

§ 6-1519. Modification of rules.

Upon the showing of good cause, a rule may be suspended in a particular instance in order to avoid a manifest injustice.

Rule 19 amended November 18, 1998. Renumbered and codified as § 6-1519, effective July 18, 2008.

Rules 1 - 19 adopted May 24, 1995. Renumbered and codified as §§ 6-1501 - 6-1519, effective July 18, 2008.

§ 6-1520. Transcript and bill of exceptions checkout.

Any bill of exceptions prepared for appeal of a case to the Supreme Court or Court of Appeals and filed in the office of the clerk of the district court shall be made available for checkout to an attorney of record

for a period of 30 days. A receipt shall be signed for such record and left with the clerk. If counsel is notified by the clerk of the district court within the 30-day checkout period that the bill of exceptions is required for filing with the appellate courts pursuant to Neb. Ct. R. App. P. § 2-105(B)(3), the attorney shall immediately return the record to the clerk of the district court.

In the event that a brief date extension is requested by counsel of record pursuant to Neb. Ct. R. App. P. § 2-109, and the same is granted, the clerk of the district court shall afford counsel additional time to retain such bill of exceptions to complete the appellate brief. Such additional time shall be for either (1) a period not to exceed the date established as the Final Brief Date in the appellate court order or (2) a period of 30 days if no Final Brief Date is set therein. A copy of such extension request and order granting the same shall be sent to the clerk of the district court by counsel making such request.

Any litigant is entitled to inspect the original transcript and bill of exceptions in his or her case at the office of the clerk of the trial court. Transcripts and bills of exceptions shall not be checked out to litigants. Any nonincarcerated litigant is entitled to obtain a copy of his or her transcript or bill of exceptions by filing a written request with the clerk of the trial court. A copy of the transcript shall be prepared by the clerk of the trial court and a copy of the bill of exceptions shall be prepared by the court reporter at litigant's cost unless the litigant has been allowed to proceed in forma pauperis in the action in which the request for a record has been made. Except for good cause shown, any additional copies of the transcript and/or the bill of exceptions once provided to a litigant on an in forma pauperis basis shall be prepared at the litigant's costs.

When a request is made to the clerk of the trial court for a transcript of pleadings by or on behalf of any incarcerated person, the clerk of the trial court shall prepare two copies, one to be filed in the court to which the matter is being appealed and one to be sent to the incarcerated person at the correctional center where he or she resides. The cost shall be paid by the person making the request unless the person has been allowed to proceed in forma pauperis in the action in which the request for a record has been made. Except for good cause shown, any additional copies of the transcript once provided to a litigant on an in forma pauperis basis shall be prepared at the litigant's cost.

When a request is made by or on behalf of any incarcerated person for a bill of exceptions, the court reporter shall prepare the original to be filed with the clerk of the trial court. The court reporter shall also prepare a duplicate copy at the statutory rate for copies and send it to the incarcerated person at the correctional center where he or she resides. The copy shall contain the index of exhibits but shall not include exhibits. The cost shall be paid by the person making the request unless that person has been allowed to proceed in forma pauperis in the action in which the request for a record has been made. Except for good cause shown, any additional copies of the bill of exceptions once provided to a litigant on an in forma pauperis basis shall be prepared at the litigant's cost. An incarcerated person may request copies of exhibits by filing a motion with the court having jurisdiction of the case.

Where a request for a copy of a transcript or a bill of exceptions is made on an in forma pauperis basis and an action is not pending, good cause must be shown by the litigant making the request for the necessity of a copy. A copy shall be provided only upon an order of the court.

Rule 20 adopted December 29, 1999; amended September 27, 2000; amended May 21, 2003. Renumbered and codified as § 6-1520, effective July 18, 2008.

§ 6-1521. Protection of personal and financial information in civil court records.

The following privacy rules shall apply to all pleadings, documents, exhibits, court orders, judgments, and decrees filed in all civil actions in the district courts of Nebraska:

(A) This rule seeks to prevent birth dates, Social Security numbers, and financial account numbers of all persons, including minor children, from being included in court records generally available to the public.

(B) The personal and financial information identified in § 6-1521(A) shall be set forth in a separate document as set forth in Appendix 3 to these rules. The form in Appendix 3 shall contain, at the top of the first page, the following language, in bold type: **This document is confidential and shall not be made part of the court file or provided to the public pursuant to Neb. Ct. R. § 6-1521.** If the document is submitted in paper form, the clerk of the court shall keep the document separate from the case file but accessible to judges and court staff. If the document is submitted in electronic form, or converted from paper form to electronic form, the electronic document or the data contained therein may be reproduced or stored in JUSTICE or other court case and financial management system, but such document, image, or data shall be electronically marked and shall not be accessible or viewable by the public. The Appendix 3 information shall be provided to the child support division of the Nebraska Department of Health and Human Services, but shall not otherwise be made available without further court order. The form in Appendix 3 may be used in any civil case and shall be protected as stated above.

(C) The personal and financial information identified in § 6-1521(A) shall not be included in any pleading or document submitted by a party or counsel for filing with the court, except by reference to a separate Appendix 3 document. An Appendix 3 document shall be separately tendered with any such pleading or other document, and if the Appendix 3 document is submitted in electronic form, it shall be identified in the filing transmittal as a confidential Appendix 3 submission. The form in Appendix 3 is mandatory with respect to the information identified in § 6-1521(A), but a party, attorney, or court may include in the Appendix 3 form additional personal or financial information sought to be protected.

(D) The personal and financial information identified in § 6-1521(A) shall not be included in any court order, judgment, or decree, including, but not limited to, any decree of dissolution of marriage, decree of legal separation, order of paternity, qualified domestic relations order, or other child support order or order of modification, except by reference to a separate Appendix 3 document. Where the court finds that an order, judgment, or decree must contain Social Security numbers or other personal information stated in § 6-1521(A), the court shall have the original order sealed and provide in the case file a redacted version of the order for public view.

(E) No exhibit used at trial shall contain a complete account number for any financial accounts or debts of any party. The same shall be redacted by the person offering the exhibit to the extent necessary to protect the information from misuse. By agreement of the parties, or as directed by the court, financial account information shall be identified in all pleadings, other documents and court orders, judgments, or decrees in such a manner as the parties, counsel, court, and jury may be able to distinguish information between similar accounts or debts, or as may be necessary to establish relevance to the matter being litigated.

(F) The name, birth date, gender, and Social Security number information of parties sought to be protected by this rule may be furnished to the clerk of the court by the parties prior to issuance of any order or decree. This information shall be furnished using the form provided in Appendix 3. Protection of this information shall be as set forth in § 6-1521(B). Where a party or counsel is required by statute or rule to furnish information identified in § 6-1521(A) to a court or clerk of the court but such information

is not required to be filed, the clerk of the court shall not place such information in the court file or allow such information to be accessible, either in paper or electronic form, to the public.

(G) The responsibility for redacting personal and financial data set forth in § 6-1521(A) rests solely with counsel and the parties. The clerk of the court shall not be required to review documents for compliance with this rule. If a clerk of the court identifies a violation of this rule, the clerk may, at his or her option, provide a redacted document for public access. However, the clerk electing to provide a redacted copy for public access shall maintain the original document without any alterations thereof, which document shall only be available to the court and the parties or the parties' counsel.

Rule 21 adopted April 16, 2008. Renumbered and codified as § 6-1521, effective July 18, 2008.

§ 6-1522. Pretrial procedure: formulating issues.

(A) In any civil action in the District Court after issues have been joined the court may in its discretion direct the attorneys for the parties to appear before it for a conference to consider:

- (1) The simplification of issues;
- (2) The necessity or desirability of amendments to the pleadings;
- (3) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (4) The limitation of the number of witnesses with a view of avoiding improper cumulative testimony;
- (5) The advisability of a preliminary reference of issues to a master for findings to be used as evidence when the trial is to be by jury;
- (6) Such other matters as may aid in the disposition of the action.

(B) The court shall at the time of the pretrial hearing make a record of the proceedings which recites the action taken at the conference, the amendments allowed to the pleadings, and the amendments made by the parties as to any of the matters considered, and which limit the issues for trial to those not disposed of by admissions or agreements of counsel; that counsel shall forthwith acknowledge their assent thereto, or, in the alternative, state into the record any and all objections they may have thereto; and such order when entered controls the subsequent cause of the action, unless modified at the trial to prevent manifest injustice. The court in its discretion may establish by rule a pretrial calendar on which actions may be placed for consideration as above provided and may either confine the calendar to jury actions or to nonjury actions or extend it to all actions.

§ 6-1523. District court records model.

The following rule shall apply to all district courts in the State of Nebraska pursuant to Neb. Rev. Stat. § 25-2209.

(A) Each district court shall maintain the following records:

- (1) Appearance Docket

- (2) Trial Docket
- (3) Journal
- (4) Complete Record
- (5) Execution Docket
- (6) Fee Book
- (7) General Index
- (8) Judgment Record
- (9) Case File

Unless otherwise specified herein, all records listed above shall be maintained on the State of Nebraska's electronic case management system known as JUSTICE (Judicial Users System to Improve Court Efficiency) in courts where such system has been installed. Interim use of an alternative case management system shall be permitted only until JUSTICE become operational in such court, but in no event longer than 18 months following the effective date of this rule.

§ 6-1524. Appearance docket.

(A) The appearance docket is a summary of the case and is kept chronologically as cases are filed. The appearance docket shall provide the following information:

- (1) case type,
- (2) filing dates of petition and all subsequent pleadings,
- (3) names of parties and their counsel,
- (4) date of issuance of, return date of, and the return of summons,
- (5) cost summary, and
- (6) posting references to other records.

(B) The appearance docket shall be maintained in electronic format in JUSTICE's Register of Actions (UPDROA).

§ 6-1525. Trial docket.

(A) The trial docket is a listing of cases at issue in the order they were made up and should serve as the order in which the cases are called for trial.

(B) The trial docket shall be maintained in electronic format in JUSTICE's Case Scheduler (SCHCASE) or in an alternative manual or electronic calendaring system. Information on status and progression are provided on Judge's Notes (UPDJNOTE).

District Court Records Model Rule II amended September 13, 2000. Renumbered and codified as § 6-1525, effective July 18, 2008.

§ 6-1526. Journal.

(A) A journal is a record of the court in which all judgments and orders must be entered and must clearly specify the relief granted or order made in the action.

(B) The journal shall be compiled and filed on microfilm, in a paper volume, or, for documents electronically filed, as an electronic image accessed through JUSTICE Add Actions Screen (ADDACTS).

District Court Records Model Rule III amended September 13, 2000. Renumbered and codified as § 6-1526, effective July 18, 2008.

§ 6-1527. Complete record.

(A) The clerk shall make a complete record of every cause, as soon as it is finally determined, unless such record, or some part thereof, is duly waived. The complete record shall contain the following:

(1) petition,

(2) process,

(3) return,

(4) pleadings subsequent thereto,

(5) reports,

(6) verdicts,

(7) orders,

(8) judgments,

(9) all material acts and proceedings of the court, and

(10) by reference, all journal entries and all such filings as are required to be entered in full in the appearance dockets.

(B) The complete record shall be compiled and filed on microfilm, in a paper volume, or, for documents electronically filed, as an electronic image accessed through JUSTICE Add Actions Screen (ADDACTS).

§ 6-1528. Execution docket.

(A) The execution docket provides a ready reference to the activities of the sheriff regarding attachments and executions filed in a case. It records liens and encumbrances on land.

(B) The execution docket shall be maintained in electronic format in JUSTICE's Receipt/Disbursement History (RDHIST), Basic Judgment Information (RCDBJDG), Complex Judgment Information (RCDCJDG), and Register of Actions (UPDROA).

§ 6-1529. Fee book.

(A) The fee book is the financial accounting record of the court. It records all money receipted and disbursed by the court and the receipts and disbursements of all money held in trust.

(B) The fee book shall be maintained in electronic format in JUSTICE's Receipt/Disbursement History (RDHIST) and Costs Worksheet (COSTWORK).

§ 6-1530. General index.

(A) The general index is an alphabetical listing of names of the parties to the suit, both direct and inverse, with the case ID where all proceedings in such action may be found.

(B) The general index shall be maintained in electronic format in JUSTICE's General Index (GENINDEX).

§ 6-1531. Judgment record.

(A) The judgment record shall contain:

- (1) the names of the judgment debtor and judgment creditor, arranged alphabetically,
- (2) the date of judgment,
- (3) the amount of judgment and costs,
- (4) the case ID where judgment may be found.

(B) Transcripts of judgments from county courts filed in the district court shall be entered upon the judgment record, and whenever any judgment is paid and discharged, the clerk shall enter such fact upon the judgment record.

(C) The judgment record shall be maintained in electronic format in JUSTICE's Judgment Inext (JDGINDEX) and Judgment Inquiry (JDGINQ).

§ 6-1532. Case file.

(A) Each district court shall maintain a case file which is numbered with an electronically generated case number. Each case shall be accessible alphabetically through the General Index (GENINDEX) in JUSTICE. The case file shall contain all pleadings, journal entries, court actions, orders, judgments, verdicts, postjudgment actions, and other documents filed in the case.

(B) The case file shall be maintained either in a paper volume, on microfilm, or for documents electronically filed, as an electronic image accessed through JUSTICE Add Actions Screen (ADDACTS).

Rules 22 – 32 (exclusive of Rule 21) adopted October 15, 1992; amended June 4, 2008, effective June 18, 2008. Renumbered and codified as §§ 6-1522 – 6-1532, effective July 18, 2008.

**NEBRASKA COUNTY ATTORNEY
CRIMINAL HOMICIDE REPORT**

CASE NUMBER

Neb. Rev. Stat. § 29-2524.01 provides that the county attorney must file the following report with the State Court Administrator within thirty days of the ultimate disposition by the court of every criminal homicide case filed by the county attorney.

1. In the District Court of _____ County
 2. State of Nebraska vs. _____ DOB: _____
Address: _____
 3. Initial charges filed:
Date: _____
 4. Were any of the initial charges reduced? ___Yes___No. If yes, what were the reduced charges?

 5. Was the reduction a result from a plea bargain? ___Yes___No, another reason which was:

 6. Were there any charges dismissed prior to trial? ___Yes___No. If yes, they were:
 7. On _____, _____, the outcome of the trial was:
___Found guilty ___Found not guilty
___Charges were dismissed
___Found guilty of a lesser included offense:
Other: _____
 8. On _____, _____, the following sentence was imposed: _____
 9. Was appeal taken? ___Yes___No Date: _____, _____
 10. Sentencing Judge: _____
(Signature)
 11. Defense Counsel: _____
(Signature)
- DATE: _____, _____
- _____
County Attorney
- _____
Print Name

Mail to: State Court Administrator, P.O. Box 98910, Lincoln, NE 68509-8910

Form adopted November 18, 1998.

Mandate: District Court to County Court

IN THE DISTRICT COURT OF _____, COUNTY, NEBRASKA

TO: County Court of _____ County, Nebraska

WHEREAS, in an action in your court, captioned:

*
*
V.
*
*

you rendered judgment.

And WHEREAS, _____ has prosecuted an appeal to this court.

ON CONSIDERATION OF and Pursuant to Neb. Rev. Stat. § 25-2733, the judgment which you rendered has been reviewed for error appearing on the record made in the county court and has been * _____ by the district court and has become a final order of this court on _____. Costs of this appeal, including the costs in the county court, are to be paid by _____ and taxed at \$ _____ **.

NOW, THEREFORE, you shall without delay, proceed to enter judgment in conformity with the decision and opinion of this court attached hereto.

WITNESS the Honorable _____, District Judge, and the seal of this court.
DATED: _____

Clerk of the District Court

* Affirmed, Affirmed but modified, Reversed, Reversed and remanded or Dismissed. (If the district court reverses, it may enter judgment in accordance with its findings or remand the case to the county court for further proceedings consistent with the judgment of the district court.)

District Court No. _____ /**COSTS ASSESSED IN DISTRICT COURT
/Costs due Clerk of District Court \$ _____
County Court No. _____ /Docket fee due \$ _____
/Due _____ \$ _____
Date District Court /Due _____ \$ _____
judgment issued _____ /Due _____ \$ _____
/Due _____ \$ _____
/Due _____ \$ _____
/Due _____ \$ _____
/Due _____ \$ _____
/Due _____ \$ _____

Appendix 2

This form is neither approved nor disapproved by any court or judicial tribunal. Use of this form provides no immunity from error.

IN THE _____ COURT OF _____ COUNTY, NEBRASKA

**THIS DOCUMENT IS CONFIDENTIAL AND SHALL NOT BE MADE
PART OF THE COURT FILE OR PROVIDED TO THE PUBLIC
PURSUANT TO NEB. CT. R. OF DIST. CTS. 21.**

_____)	Case Number _____
)	
Plaintiff,)	
)	
v.)	SOCIAL SECURITY NUMBERS,
)	GENDER, AND BIRTH DATES
)	
_____)	
)	
Defendant.)	

Names	Social Security Number	Gender	Birth Date
Plaintiff:			
_____	_____	_____	_____
Defendant:			
_____	_____	_____	_____
Minor Children:			
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(For other information, add pages as required.)